

Message Text

UNCLASSIFIED

PAGE 01 LISBON 05308 040714Z

13

ACTION EUR-12

INFO OCT-01 AF-10 ISO-00 SAM-01 CIAE-00 DODE-00 PM-03 H-02

INR-07 L-02 NSAE-00 NSC-05 PA-02 RSC-01 PRS-01 SP-02

SS-15 USIA-15 /079 W

----- 072520

R 031608Z DEC 74

FM AMEMBASSY LISBON

TO SECSTATE WASHDC 1166

INFO AMCONSUL LOURENCO MARQUES

AMCONSUL LUANDA

AMEMBASSY MADRID

AMCONSUL OPORTO

AMCONSUL PONTA DELGADA

UNCLAS LISBON 5308

E.O. 11652: N/A

TAGS: PINT, PO

SUBJ: LAW PASSED SPECIFYING CATEGORIES OF PERSONS

INELIGIBLE TO VOTE OR TO BE ELECTED IN

CONSTITUENT ASSEMBLY ELECTIONS

REF: LISBON 5124; LISBON 4529

SUMMARY: FEW PERSONS WILL LOSE VOTING RIGHTS UNDER NEW INELIGIBILITY LAW JUST PASSED. MANY THOUSANDS, HOWEVER, PROHIBITED FROM RUNNING AS CANDIDATES. WORKING OF LAW GERRY-MANDED SO AS NOT TO INCLUDE ON INELIGIBLE LISTS LEADERS OF PPD AND CDS, AND MEN SUCH AS GENERAL SPINOLA AND UN AMBASSADOR VEIGA SIMAO. OVERALL, A REMARKABLY LENIENT LAW OF A COUNTRY EMERGING FROM HALF CENTURY OF DICTATORSHIP. END SUMMARY

1. THE CABINET AND COUNCIL OF STATE HAVE PASSED AND PRESIDENT COSTA GOMES HAS SIGNED INTO LAW THE LONG AWAITED LAW ESTABLISHING CATEGORIES OF PERSONS WHO BECAUSE OF THEIR ACTIVE SUPPORT FOR OR HIGH LEVEL POSITIONS IN THE OLD REGIME ARE THEREBY INELIGIBLE TO PARTICIPATE IN THE MARCH CONSTITUENT ASSEMBLY ELECTIONS. (LAW UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LISBON 05308 040714Z

ONLY REFERS TO FIRST AND NOT SUBSEQUENT ROUND OF ELECTIONS

ACCORDING TO EDITORIAL IN DIAIRO DE NOTICIAS.)

2. FIRST PORTION OF LAW LISTS CERTAIN CATEGORIES OF JOBS AND STATES THAT ANYONE OCCUPYING THESE POSITIONS BETWEEN MAY 28, 1928 AND APRIL 25, 1974 MAY NEITHER VOTE NOR BE ELECTED A DEPUTY TO CONSTITUENT ASSEMBLY. THESE POSITIONS ARE AS FOLLOWS: PRESIDENT; PRIME MINISTER; MINISTER; COUNSELLOR OF STATE; PRESIDENT AND VICE PRESIDENT OF COPORATIVE CHAMBER AND NATIONAL ASSEMBLY; CHIEF JUSTIC OF SUPREME COURT OF JUSTICE; SUPREME ADMINISTRATIVE TRIBUNAL, AND SUPREME MILITARY TRIBUNAL; PROSECUTORS AND POLITICALLY APPOINTED JUDGES IN SPECIAL MILITARY AND CRIMINAL COURTS (WHICH TRIED POLITICAL OFFENSES); CHIEFS OF STAFF OF THE THREE BRANCHES OF ARMED SERVICES; CIVIL GOVERNORS; AND GOVERNORS OF AUTONOMOUS DISTRICTS; COMMANDANT OF PSP AND GNR; PRESIDENT AND MEMBERS OF EXECUTIVE AND CENTRAL COMMITTEES OF ANP AND FORMER UNIAO NACIONAL; VARIOUS HGIH LEVEL LEADERS OF THE PORTUGUESE LEGION, BRIGADA NAVAL, LIGA 28 DE MAIO, AND LIGA DOS ANTIGOS GRADUADOS DA MOCIDADE PORTUGUESA; PRESIDENT OF CENSORSHIP BOARD; AND DIRECTOR, EMPLOYEE, OR "COLLABORATOR" OF THE DGS AND ITS PREDECESSORS.

3. ANOTHER SECTION OF LAW ESTABLISHES WHO MAY NOT BE ELECTED A DEPUTY BUT YET MAY VOTE IN THE ELECTIONS: MAYORS; MEMBERS OF THE UNIAO NACIONAL, ANP, PORTUGUESE LEGION, BRIGADA NAVAL, AND MOVIMENTO NACIONAL FEMININO; DISTRICT DIRECTOR OF MOCIDADE PORTUGUESA AND ITS WOMEN'S BRANCH; MEMBER OF CENSORSHIP BORAD; PROVEN INFORMER FOR DGS AND OTHER PARAMILITARY ORGANIZATIONS AND THEIR PREDECESSORS; MEMBERS OF LIGA 28 DE MAIO AND LIGA DOS ANTIGOS GRADUADOS DA MOCIDADE PORTUGUESA.

4. EXEMPT FROM PROVISIONS OF THIS LAW ARE THOSE PERSONS WHO SINCE APRIL 25 HAVE BEEN NOMINATED TO POSITIONS OF POLITICAL OR PUBLIC INTEREST NATURE BY EITHER THE PRESIDENT OF REPUBLIC, ARMED FORCES MOVEMENT, NATIONAL SALVATION JUNTA, OR PROVISIONAL GOVERNMENT. IN ADDITION LOCAL COURTS IN AN INDIVIDUAL'S DISTRICT OF RESIDENCE MAY FIND THAT A PERSON COVERED BY THIS LAW HAD BEFORE APRIL 25 SHOWN BY HIS ACTIONS THAT HE UNEQUIVOCABLY REPUDIATED THE OLD REGIME OR OTHERWISE DEMONSTRATED THAT HIS ACTIONS DID NOT "EFFECTIVELY SUPPORT" THAT REGIME.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 LISBON 05308 040714Z

5. THE LAW IS SO WORDED THAT FORMER NATIONAL ASSEMBLY AND COPRORATIVE CHAMBER DEPUTIES, AS WELL AS SECRETARIES AND UNDER SECRETARIS OF STATE DO NOT LOSE THEIR POLICAL RIGHTS. AMONG THOSE WHOWOULD HAVE LOST THEIR RIGHTS HAD THESE CATEGORIES BEEN INCLUDED ARE TOP LEADERS OF THE PPD AND CDS, AS WELLAS MEN SUCH AS TECHNOCRAT AND SEDES MEMBER JOAO SALGUEIRO AND MILLER GUERRA OF THE SOCIALIST PARTY, AND PRESIDENT COSTA GOMES (FORMER UNDER SECRETARY OF ARMY). THE LOOPHOLES MENTIONED IN

PARAGRAPH FOUR EXEMPT UN AMBASSADOR AND EX-EDUCATION MINISTER VEIGA SIMAO, AMONG OTHERS, FROM INELIGIBILITY. LAW SPECIFICALLY AVOIDS MENTIONING AMONG INELIGIBLE CATEGORIES GOVERNORS GENERALS, DEPUTY COMMANDANT OF GNR, AND CHIEF AND VICE CHIEF OF STAFF OF ARMED FORCES, WHICH HAD THEY BEEN INCLUDED WOULD HAVE AFFECTED GENERAL SPINOLA (GOVERNOR GENERAL OF GUINEA, FORMER VICE-CHIEF OF ARMED FORCES AND DEPUTY COMMANDANT OF GNR) AND PRESIDENT COSTA GOMES (ARMED FORCES CHIEF OF STAFF).

6. COMMENT: LAW IS REMARKABLY LENIENT IN TERMS OF THOSE WHO LOSE THEIR VOTING RIGHTS, AND COULD HAVE BEEN MUCH MORE SEVERE. IT APPEARS THAT GREAT CARE WAS TAKEN IN DRAFTING LAW NOT TO AFFECT GENERAL SPINOLA. STRICTER, BUT STILL FAIR, IS THE LIST OF THOSE WHO CANNOT BE CANDIDATES. FEW OF THOSE COVERED BY THIS LAW WOULD HAVE RUN AS CANDIDATES IN ALL LIKELIHOOD, OR AT LEAST ON MAJOR PARTY LISTS (MOST MINOR PARTIES PROBABLY WILL NOT QUALIFY LEGALLY BECAUSE OF LACK OF THE 5000 MEMBER MINIMUM). HENCE THIS PORTION OF LAW WILL HAVE LITTLE PRACTICAL EFFECT. ENFORCEMENT OF PART OF LAW ON INELIGIBLE CANDIDATES WILL BE EASIER THAN THAT ON INELIGIBLE VOTERS, SINCE PARTIES THEMSELVES WILL WANT TO ENSURE THAT NO INELIGIBLES APPEAR UNDER THEIR BANNER, AND HENCE WILL BEAR MOST OF THE ENFORCEMENT BURDEN. KEEPING THOSE WHO HAVE LOST THEIR VOTING RIGHTS OFF THE ROLLS WILL BE MORE DIFFICULT, SINCE GOVERNMENT HAS PROVIDED 4039 LOCAL REGISTRATION COMMITTEES WITH NO LIST OF NAMES OF INELIGIBLES. THE WHOLE REGISTRATION PROCESS WILL LAST ONLY 20 DAYS BEGINNING DECEMBER 9, AND FINAL VOTER LISTS WILL APPEAR BY MID-JANUARY, WHICH WILL MAKE IT DIFFICULT TO ADEQUATELY POLICE THIS SECTION OF LAW. HOWEVER ONLY A FEW THOUSAND PERSONS ARE COVERED, AND MANY WILL STAY HOME ON ELECTION DAY IN ALL LIKELIHOOD. IMPACT OF THOSE INELIGIBLES WHO DO VOTE WOULD BE NEGLIGIBLE IN ANY CASE.

SCOTT
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 LISBON 05308 040714Z

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ELECTION LAW, POLITICAL SITUATION, ELECTIONS, VOTER REGISTRATION
Control Number: n/a
Copy: SINGLE
Draft Date: 03 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974LISBON05308
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740351-0388
From: LISBON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741265/aaaacdqs.tel
Line Count: 154
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: LISBON 5124; LISBON 4529
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 30 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 SEP 2002 by ReddocGW>; APPROVED <13 FEB 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LAW PASSED SPECIFYING CATEGORIES OF PERSONS INELIGIBLE TO VOTE OR TO BE ELECTED IN
TAGS: PINT, PO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005